

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MELVIN WARREN BOORD, JR.,)	
)	
Petitioner,)	Civil Action No. 07-1069
)	
v.)	Judge Nora Barry Fischer
)	Magistrate Judge Caiazza
SUPERINTENDENT MARILYN BROOKS,)	
et al.,)	
)	
Respondents.)	

MEMORANDUM ORDER

Melvin Warren Boord, Jr. Filed a Petition for Writ of Habeas Corpus which was received by the Clerk of Court on August 1, 2007, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on December 19, 2007, recommended that the Petition for Writ of Habeas Corpus filed by Petitioner Boord be dismissed and that a certificate of appealability be denied. The parties were allowed ten days from the date of service to file objections, and Boord was granted an extension of time to file objections. Boord filed objections on February 8, 2008. Respondent filed a reply to the objections.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the objections and reply thereto, the following order is entered:

AND NOW, this 22nd day of February, 2008,

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus filed by *Petitioner* Melvin Warren Boord, Jr. is dismissed, and a certificate of appealability is DENIED.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 13), dated December 19, 2007, is adopted as the opinion of the court.

Nora Barry Fisher
Nora Barry Fisher FISCHER
United States District Court Judge

CC:

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